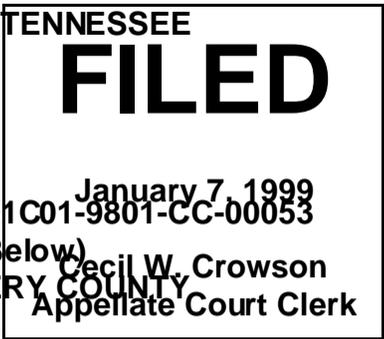


IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE



ANTHONY DURAND HINES,

Appellant,

VS.

STATE OF TENNESSEE,

Appellee.

)  
 ) C.C.A. NO. 01C01-9801-CC-00053  
 ) (No. 39242 Below)  
 ) MONTGOMERY COUNTY  
 ) Cecil W. Crowson  
 ) Appellate Court Clerk  
 )  
 ) The Hon. John H. Gasaway, III  
 )  
 ) (Denial of Post-Conviction Relief)  
 ) **AFFIRMED PURSUANT TO RULE 20**

ORDER

This matter is before the Court upon the state's motion to affirm the judgment pursuant to Rule 20, Tennessee Court of Criminal Appeals Rules. Having reviewed the state's motion, the appellant's brief, and the record on appeal, the Court finds that the motion is well taken and that the judgment of the trial court should be affirmed.

From the record, it appears that the appellant pled guilty to auto burglary in September 1996. According to the judgment, the appellant was sentenced as a Range II, multiple offender, to two years in the Tennessee Department of Correction. Subsequently, on September 4, 1997, the appellant filed a pro se petition for post-conviction relief. On October 24, 1997, the appellant filed an amended petition. Thereafter, counsel was appointed to represent the appellant, and it appears that a hearing was held. On February 4, 1998, the trial court entered an order denying relief and dismissing the appellant's post-conviction petition. As pointed out by the state, the transcript of the post-conviction hearing is not included in the record on appeal, nor is the transcript of the guilty plea submission hearing or a copy of the plea agreement.

It is the responsibility of the appellant to ensure that the record on appeal conveys a fair, accurate, and complete account of what transpired in the trial court. See T.R.A.P. 24. In the present case, the appellant has failed to provide an adequate record, and therefore, this Court is unable to review his claim of ineffective assistance of counsel. Accordingly, we must presume that the trial court properly denied relief.

IT IS, THEREFORE, ORDERED that the state's motion to affirm the judgment is hereby granted and the judgment of the trial court is affirmed pursuant to Rule 20, Tennessee Court of Criminal Appeals Rules. It appearing that the appellant is indigent, costs are taxed to the state.

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JERRY L. SMITH, JUDGE

CONCUR:

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JOHN H. PEAY, JUDGE

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DAVID H. WELLES, JUDGE